

REMARKS

This amendment cancels claims 1 to 6 and 8 to 20 without prejudice or disclaimer and adds the following new claims 21 to 40. Support for the medication brand and dosage changes to independent claims 21 and 31 from the finally rejected claims is found in rejected claims 6 and 12 and the specification paragraph [0025] *inter alia*. However, the independent claims 21 and 31 are rewritten from the rejected independent claims to distinguish prior art.

Claims 21 to 40 are pending.

The final rejection rejected claims 1 to 6 and 8 to 20. This rejection was upheld by September 3, 2009 decision of the Board of Appeals.

The new claims claim an aspect of the invention relating to a system and method that admits of a pharmacist's discretion in filling a prescription. Prior art methods and systems (Denny, Keresman and Borsand¹) allow a pharmacist to enter a "yes" signal for a filled description that confirms filling of a prescription issued by a physician or medical provider. However, there are instances where a pharmacist should properly exercise discretion in filling the brand or dosage of the prescription. For example in instances, a pharmacist may fill a prescription with a generic rather than a prescribed name brand or with a dosage that is equivalent but different from prescribed dosage, e.g. 20 pills at half strength for 10 prescribed pills at full strength). However, prior art "yes" methods and systems do not provide for entering a filled description that is different with respect to brand or dosage.

The final rejection rejected claims 1 to 6, 8 to 9, and 12 to 18 under 35 U.S.C. §103(a) over Denny and Borsand and claims 10 to 11 and 19 to 20 under 35 U.S.C. §103(a) over Denny, Borsand and Keresman. The rejection was affirmed on appeal to the Board of Appeals.

New independent claims 21 and 31 are substantially claim 6 rewritten as independent method and system claims but limited to distinguish the "yes" prior art method and system. Denny, Borsand and Keresman do not teach or suggest the claim 21

method that admits of entry of "different medication brand or dosage information into [a] processing center in fulfillment of [a] prescribed prescription for review by [a] prescribing physician or medical service provider." Denny, Borsand and Keresman do not teach or suggest the claim 31 system comprising a processing center that "accepts filled prescription information from the pharmacist in fulfillment of the prescribed information but that "differs in at least one respect from medication brand or dosage of the prescribed prescription information." The invention is now claimed to distinguish the prior art in this respect. The rejections of claims 1 to 6, 8 to 9, and 12 to 18 under 35 U.S.C. §103(a) over Denny and Borsand and claims 10 to 11 and 19 to 20 under 35 U.S.C. §103(a) over Denny, Borsand and Keresman should be withdrawn.

A Request for Continued Examination and the prescribed fee accompany this Amendment.

In view of the foregoing remarks, it is respectfully submitted that claims 21 to 40 are allowable. Reopening of prosecution in accord with the Request for Continued Examination and reconsideration of this application and allowance are requested.

Should the Examiner believe that any further action is necessary in order to place this application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Philip D. Freedman
Reg. No. 24,163
Philip D. Freedman PC
PTO Customer Number 25101
1449 Drake Lane
Lancaster, Pennsylvania 17601
717 490-6245
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703 313-0171 (cell)

Lancaster, Pennsylvania

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¹ To whatever extent that Borsand can properly be considered prior art.